

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

E.P., a minor, by and through his guardian ad
litem Michel Hernandez-Disla,

Plaintiff,

v.

TEHACHAPI UNIFIED SCHOOL
DISTRICT, *et al.*,

Defendants.

Case No. 1:23-cv-01724-CDB

ORDER GRANTING PLAINTIFF'S
REQUEST TO SEAL DOCUMENT

(Doc. 62)

FIVE-DAY DEADLINE

Pending before the Court is the request of Plaintiff E.P. to seal documents (Doc. 62), filed on February 6, 2025, and mailed to the undersigned's chambers. Plaintiff represents that the document to be sealed (Dr. B.J. Freeman's report of an independent educational evaluation ("IEE") of Plaintiff) contains highly sensitive and confidential educational and medical information concerning Plaintiff, a minor child that is protected from disclosure under the Family Education and Privacy Rights Act ("FERPA"), 20 U.S.C. § 1232g and 34 C.F.R. §§ 99.30–.39, the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1417(c) and 34 C.F.R. §§ 300.610-.627, and California Education Code §§ 49060 *et seq.* (Doc. 62 at 1-2). Plaintiff therefore seeks to file the report under seal. (*Id.*).

The Court has considered the factors set forth in *Oregonian Publ'g Co. v. U.S. Dist. Court for Dist. of Or.*, 920 F.2d 1462 (9th Cir. 1990). The Court finds that, for the reasons stated in

1 Plaintiff's notice and request, sealing the document serves a compelling interest. The Court
2 further finds that, in the absence of closure, the compelling interests identified by Plaintiff would
3 be harmed. The Court further finds that there are no additional alternatives to sealing the
4 document that would adequately protect the compelling interests identified by Plaintiff.

5 **Conclusion and Order**

6 Accordingly, pursuant to Local Rule 141 and based upon the representations contained in
7 Plaintiff's notice and request, IT IS HEREBY ORDERED that the report of Dr. B.J. Freeman of
8 the IEE of Plaintiff shall be SEALED until further order of this Court.

9 It is FURTHER ORDERED within five (5) days of issuance of this Order, Plaintiff shall
10 submit a copy of this Order and the "Request to Seal Document" and document to be sealed by
11 email to the Operations Section of the Clerk of the Court: ApprovedSealed@caed.uscourts.gov.

12 IT IS SO ORDERED.

13 Dated: **March 17, 2025**

14 
UNITED STATES MAGISTRATE JUDGE